

DISCIPLINARY ACTIONPRIVATE ADMONITION. Board Case Nos. 1 and 2, 2004.
Effective Date: Sept. 13, 2004.

A Delaware lawyer was privately admonished for violations of the Delaware Lawyers' Rules of Professional Conduct ("Rules") in connection with trust accounting failures, inaccurate reports to the Delaware Supreme Court on annual Certificates of Compliance, and lack of diligence related to aging estates. The private sanction was offered by a panel of the Preliminary Review Committee ("PRC"), and imposed with the consent of the lawyer. The lawyer admitted that he had violated **Rule 1.3**, by failing to act with reasonable diligence and promptness to close aging estates; **Rule 1.15(d)** and **former Interpretive Guideline No. 2**, by failing properly to maintain law practice escrow accounts, as discovered by an initial random compliance audit conducted by the Lawyers' Fund for Client Protection ("LFCP"), and as further reviewed through a follow-up investigative audit; and **Rule 8.4(d)**, by engaging in conduct prejudicial to the administration of justice by filing Certificates of Compliance for 1998 through 2003 which contained inaccurate responses regarding the lawyer's law practice escrow accounting procedures.

In offering the sanction of a private admonition, the PRC considered there was no evidence of actual injury to clients or third parties, and considered that the lawyer's law practice tax obligations were fully satisfied in a timely manner. The PRC also considered the following mitigating factors: (1) full cooperation with the ODC and the LFCP and full disclosure about the facts and circumstances involved; (2) the lawyer's prompt acknowledgment of the wrongfulness of the conduct regarding the delays in closing the estates and the law practice accounting deficiencies; and (3) the lawyer's remedial efforts to correct the deficiencies and improved office procedures designed to prevent a recurrence of the problems. In aggravation, the PRC considered (1) the lawyer's prior private admonition 12 years ago for false notarization of a document in a client matter; (2) the number of open estates reported to the ODC by the Register of Wills; (3) the pattern of recordkeeping deficiencies and incorrect information on the Certificates of Compliance over a number of years, and (4) the lawyer's substantial experience in the practice of law.

The lawyer must satisfy the following conditions: (1) payment of ODC and LFCP costs; and (2) for 18 months the lawyer is required to provide semi-annual reporting from a certified public accountant to the ODC verifying the lawyer's compliance with Rule 1.15.